

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

In this employment discrimination case, plaintiff Tanya Cain (“Plaintiff”) sues her former employer, Providence Hospital, LLC d/b/a Providence Health (“Defendant”), based on her termination. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(g) (D.S.C.).

This matter comes before the court on Defendant's motion to file under seal portions of attachments to its motion for summary judgment. [ECF No. 34]. The court has reviewed the brief submitted on this matter. In accordance with *In re Knight Publishing Company*, 743 F.2d 231 (4th Cir. 1984), the court grants the motion to seal on a temporary basis. Because *In re Knight* requires the court to provide public notice of a party's request to seal and

allow interested parties an opportunity to object, this order temporarily grants the motion to seal until August 30, 2019. If in the interim period any interested party wishes to object to the permanent sealing of the documents at issue, that party may file a notice of appearance and state its objections. In the event any objections are filed, the court will schedule a hearing on the motion to seal and hear the arguments of all parties. Should no objections be filed by August 30, 2019, the temporary order will automatically convert to a permanent order to seal.

The court considered less drastic alternatives to sealing the requested documents. The court found that less drastic alternatives were not appropriate in this employment case, as the parties have indicated that they have redacted any portions that lend themselves to selective redaction and only provided the portions that remain. The documents contain information designated as confidential pursuant to S.C. Code Ann. § 44-7-392(A)(1)(e). The court has independently reviewed the documents in camera and concludes that the documents do not lend themselves to selective redaction under the facts of this case.

The court finds persuasive the arguments of counsel in favor of sealing the documents and rejecting the alternatives. The records contain internal audits deemed confidential by state law. The court notes that the litigant's interest in nondisclosure of such proprietary information outweighs the

public's right to access to this document. *See May v. Medtronic Inc.*, No. CA 6:05-794-HMH, 2006 WL 1328765, \*1 (D.S.C. May 15, 2006). The confidential and sensitive nature of the information in the documents at issue requires that the documents be sealed. Therefore, the court grants the motion to seal [ECF No. 35] in accordance with the limitations stated herein.

IT IS SO ORDERED.



August 1, 2019  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge